

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|--|---|-----------------|
| THE APPLICATION OF COLUMBIA GAS OF |) | |
| KENTUCKY, INC. FOR PERMISSION TO |) | CASE NO. 91-235 |
| DISCONTINUE SERVICE TO THE AUXIER ROAD |) | |
| GAS COMPANY |) | |

O R D E R

This matter arises upon the July 10, 1991 filing by Columbia Gas of Kentucky, Inc. ("Columbia") of an application to discontinue service pursuant to a request from Auxier Road Gas Company, Inc. ("Auxier"). Columbia was providing service to Auxier located in Prestonsburg, Kentucky, pursuant to a sales agreement effective November 1, 1970 to November 1, 1990 and thereafter from year to year unless and until cancelled by either party giving written notice to the other. In its response to the application of Columbia, Auxier asserts that its intention is to cancel its IUS service under Columbia's existing tariff; that Auxier has complied with the terms of the contract with Columbia and that the Commission has no jurisdiction to now modify the terms of the contract or tariff and that there is no issue for the Commission to review.

After consideration of the filings in this proceeding and being otherwise sufficiently advised, the Commission finds that Auxier's termination of its IUS contract with Columbia is an act


Auxier is taking in the normal course of business and absent a complaint or a demonstration to the Commission that Auxier's gas supply is threatened by its actions in cancelling its IUS service with Columbia, there is no issue in this proceeding to be reviewed by the Commission.

IT IS THEREFORE ORDERED that the application of Columbia for an Order approving its discontinuance of service to Auxier pursuant to the contract executed between the parties be, and it hereby is, dismissed with prejudice.

Done at Frankfort, Kentucky, this 25th day of November, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director